



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200475309

Date: July 20, 2004

Comments Due: August 18, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct a commercial development project known as the Ferguson Crossing Project, which would result in impacts to approximately 1.94 acres of waters of the United States, including wetlands, adjacent to the Colorado River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/cespk/co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: C.R. Commercial Properties
Mr. Jack Pretti, President
Post Office Box 1385
Rifle, Colorado 81650
970-285-9700

AGENT: Andrew Antipas Ecological & Environmental Consulting
Mr. Andrew Antipas
0285 Crystal Circle
Carbonadale, Colorado 81623
970-963-8297

LOCATION: The project site is located at the Town of Silt (the Town), within Section 10, Township 6 South, Range 92 West, Garfield County, Colorado, and can be referenced on the Silt (Photorevised 1987) USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct an 84.53 acre commercial development project for retail services and tax revenue generation between Interstate Highway 70, at the Silt interchange, and the Colorado River. This is a multiple phased project with full build-out estimated complete within 15 years.

The applicant is requesting to fill 1.88 acres of wetland and 0.064 (existing drainage channels would be culverted) acre of waters of the United States. The current property use consists of a ranch, the Town's decommissioned sewage lagoons and current water treatment plant. The applicant has proposed to deed back to the Town, approximately 36.78 acres for riparian zone protection, a paved bicycle path and a loop road at the west end of the project area.

The applicant's stated project purpose is to provide needed commercial space for the Town's residents and relieve some of the economic pressure on the municipality. The applicant believes there is such a need to fully develop this acreage as proposed, because required environmental constraints and public safety

hazards are so limiting to this project that only the no build alternative exists. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 2.67 acres of palustrine emergent, scrub-shrub, grass-grasslike wetlands and waters of the United States within the project area. The site is characterized by irrigated ranch land along with light industrial use (decommissioned city sewer lagoons and water treatment plant). A substantial portion of this property is within the 100-year flood plain of the Colorado River. Property east of the decommissioned sewer lagoons (Parcel A, Figure 3-2 cutout area) will require one to two feet of fill to meet floodplain protection regulations.

Alternatives. The applicant has provided information concerning project alternatives. This includes the no build alternative along with a limiting option of 10.55 acres of commercial development. The latter alternative considers local riparian protection zones, Great Blue Heron rookery buffer, fire protection access, the Town's landscaping buffers and code requirements, and public safety considerations (for young children) relative to a potential hazard during storm events. This alternative considered the placing of all parking lots, roads and sidewalks adjacent to the open drainage channels. Complicating this alternative is the elevated site grading necessary for floodplain regulations around these drainage channels. Additional information concerning project alternatives is available from the applicant or their agent.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

The applicant has proposed to create 0.84 acre of emergent wetlands, enhance, restore and protect 5.16 acres of denuded wetlands from previous ranching operations, and deed restrict the approximately 6 acres of land owned by the applicant (west side) within a 10-acre island in the Colorado River and south of the project site. This mitigation site is the previous location of the Town's water treatment plant flood damaged during the 1984 and 1985 high flow events.

The applicant also proposes to establish and maintain a 7-acre riparian protection zone (buffer) along the Colorado River for a total of approximately 13 acres of enhanced wetland and wildlife habitat to improve water quality and wetland function. The remaining 4 acres of riparian habitat on the east side of the 10-acre island mentioned above is Town property that is not under consideration of the applicant's compensatory mitigation plan.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification as required under Section 401 of the Clean Water Act from the Colorado Department of Public Health and Environment, is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information (including applicant's inquiry report from the Colorado State Historical Preservation Office), cultural or historical resources are within the project's area of potential effect. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200475309, must be submitted to the office listed below on or before August 18, 2004:

Mr. Mark Gilfillan, Biologist/Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Mark.A.Gilfillan@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

If you have questions or need additional information please contact the applicant or the agent for the applicant or the Corps' project manager Mr. Mark Gilfillan at 970-243-1199, extension 15 or by electronic mail at Mark.A.Gilfillan@usace.army.mil.

Attachments: 13 drawings